

Spina, Providence

From: Spina, Providence
Sent: Monday, July 29, 2019 3:30 PM
To: Rubin, Gary I.
Subject: RE: Status of Lexington Containers Matter
Attachments: Lexington Tolling Agreement Amnd 7 29 2019.pdf

Gary,

The Consent Agreement continues to undergo review here this week, so I have executed the tolling agreement amendment. The fully executed agreement is attached.

I'll continue to provide updates as I receive them.

Please do not hesitate to reach out if you have any questions.

Regards,

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Thursday, July 25, 2019 1:46 PM
To: Spina, Providence <Spina.Providence@epa.gov>
Subject: RE: Status of Lexington Containers Matter

Providence:

Thank you for the update. I have signed the extended tolling agreement.

Regards,

Gary Rubin



Gary I. Rubin
Partner

D 202.898.5830 | GRubin@Hollingsworthllp.com
1350 I Street NW | Washington, DC 20005
www.hollingsworthllp.com

From: Spina, Providence <Spina.Providence@epa.gov>
Sent: Thursday, July 25, 2019 1:42 PM
To: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Subject: RE: Status of Lexington Containers Matter

Gary,

I'm writing to provide a quick update. The briefing process here has taken longer than anticipated, but we are close to the end. There is a chance I will not be able to file with the EAB before next Wednesday when our tolling agreement expires. I will let you know where it stands next week, but would you be amenable to extending the tolling agreement one more time, in case there are any further delays?

I have attached a proposed amendment which extends the agreement for another month, but I anticipate the Agreement will be filed well before then.

Please feel free to give me a call if you have any questions.

Regards,

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Wednesday, June 19, 2019 9:43 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Subject: RE: Status of Lexington Containers Matter

Thank you.

From: Spina, Providence <Spina.Providence@epa.gov>
Sent: Wednesday, June 19, 2019 9:37 AM
To: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Subject: RE: Status of Lexington Containers Matter

Gary,

Please find attached a fully executed tolling agreement amendment.

Thank you,

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Monday, June 17, 2019 9:51 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Subject: RE: Status of Lexington Containers Matter

Thank you.

From: Spina, Providence <Spina.Providence@epa.gov>
Sent: Monday, June 17, 2019 9:37 AM
To: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Subject: RE: Status of Lexington Containers Matter

Thanks, Gary. I'll move the amendment along here and send a final executed version.

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Friday, June 14, 2019 11:59 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Subject: RE: Status of Lexington Containers Matter

I have attached a signed copy of the Tolling Agreement.

From: Spina, Providence <Spina.Providence@epa.gov>
Sent: Friday, June 14, 2019 11:24 AM
To: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Subject: RE: Status of Lexington Containers Matter

Hi Gary,

Per our discussion this morning, please find attached an amendment to the tolling agreement.

Regards,

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Wednesday, June 12, 2019 1:48 PM
To: Spina, Providence <Spina.Providence@epa.gov>
Subject: RE: Status of Lexington Containers Matter

Providence:

Thank you for the quick response. Do you a general sense of when the Final Order will be filed?

Gary

From: Spina, Providence <Spina.Providence@epa.gov>
Sent: Tuesday, June 11, 2019 2:36 PM
To: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Subject: RE: Status of Lexington Containers Matter

Gary:

Thank you for the signature page.

Your understanding of paragraph 26(a) is correct. The penalty payment must be paid within 30 days of when the executed Final Order is filed.

Please let me know if you have any further questions.

Thanks,
Provi

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Monday, June 10, 2019 5:53 PM
To: Spina, Providence <Spina.Providence@epa.gov>
Subject: RE: Status of Lexington Containers Matter

Providence:

Attached is the signed signature page. The address you have for the Certificate of Service is correct. I do have one question: Am I correct that, according to paragraph 26(a), Lexington Containers will have 30 days from the date when the Agreement is entered to pay the \$110,000? For example, if the Agreement is entered on June 30, 2019, Lexington Containers would have until July 30, 2019, to make the payment? Thank you.

Regards,

Gary Rubin

From: Spina, Providence <Spina.Providence@epa.gov>
Sent: Friday, May 31, 2019 9:23 AM
To: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Subject: RE: Status of Lexington Containers Matter

Gary:

Please find attached a signature ready version of the Consent Agreement and Final Order. If this document meets your client's approval, please have him complete the information fields on the Respondent's signature page at page 11. Aside from minor edits, the only changes to the document are ^{Ex. 7(A) - Enforcement Sensitive} and also updates to the maximum penalty numbers in the statutory and regulatory background sections. Please let me know if there are any changes that need to be made to this document. In particular, I'd appreciate your confirming that the Lexington's information in the Certificate of Service is correct.

While the attached version of the Consent Agreement is intended to be a signature draft, it remains subject to review and approval by EPA management. Once I receive your signature page, I will be able to commence the briefing process here. We are still on target for filing with the EAB before the tolling period ends on June 30. I will keep you posted on the progress here, and will let you know of any developments that affect that schedule.

Many thanks, and please let me know if you have any questions.

Regards,

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>
Sent: Tuesday, May 14, 2019 3:02 PM
To: Spina, Providence <Spina.Providence@epa.gov>
Subject: Re: Status of Lexington Containers Matter

Are we okay on the rolling agreement?

On May 14, 2019, at 2:59 PM, Spina, Providence <Spina.Providence@epa.gov> wrote:

Hi Gary,

Thank you for your e-mail. We are continuing our preparation of filing materials for the EAB. I will send over a revised CAFO for signature by the end of this week or early next week.

I expect that the CAFO will be filed in the EAB the second or third week of June. I will keep you posted on our progress.

Regards,

Providence Spina
202-564-2722

From: Rubin, Gary I. <GRubin@Hollingsworthllp.com>

Sent: Tuesday, May 14, 2019 1:53 PM

To: Spina, Providence <Spina.Providence@epa.gov>

Subject: Status of Lexington Containers Matter

Providence:

I just wanted to follow-up to see where we are on the Lexington Containers matter. Thank you.

Regards,

Gary Rubin

<image001.jpg>

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